

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

TIGRA ROBERTSON,

Defendant.

Case No. CR06-5528FDB

ORDER GRANTING DEFENDANT  
ROBERTSON'S MOTION TO  
EXCLUDE DEPOSITION  
EVIDENCE OF AARON FIGEL


Defendant moves to exclude the deposition evidence of Government witness Aaron Figel for the reason that the Court authorized the deposition based on the Government's representation that Figel's overseas deployment was imminent. That representation was found not to be true after the deposition was taken, although Defendant does not suggest malfeasance in the Government's conduct. Defendant asks that the deposition testimony not be allowed, as there exist no "exceptional circumstances" for allowing such testimony.

The Government responds, acknowledges that it was at fault, and states that the Government would not object if the Court were to exclude the deposition testimony as unnecessary, and that it would call Figel as a live witness if his testimony were required.

Therefore, on the showing presented, the Defendant's motion will be granted..

ACCORDINGLY, IT IS ORDERED: Defendant Tigra Robertson's Motion for Exclusion of the Deposition Evidence of Government Witness Aaron Figel [Dkt. # 233] is GRANTED.

DATED this 25<sup>th</sup> day of July, 2007.

  
FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE